

6008. Vibrating and massage devices. (F.D.C. No. 41974. S. Nos. 21-829/33 P.)

QUANTITY: 277-device lot and 13-device lot of individually cartoned electric massage vibrating pillows, 8 individually cartoned electric *Heat-N-Vibrate Massage Pillows*, 10 individually cartoned *Dual-Salon Vibrators*, and 27 individually cartoned *Lounge-O-Matic Vibrators* at Kansas City, Mo.

SHIPPED: 5-27-58 and 6-2-58, from Long Island City, N.Y., by Peerless Broil-Quik Corp.

LABEL IN PART: (Tag) "Samson United Corp. of N.Y. * * * Long Island City, N.Y."; (carton) "Peerless Electric Massage Vibrating Pillow * * * Peerless Broil-Quik Corp." or "11MW," "New! King Size Peerless Automatic Electric Heat-N-Vibrate Massage Pillow * * * Combination 4 in 1," "Peerless Dual-Salon Vibrator" and "Peerless Lounge-O-Matic Vibrator."

ACCOMPANYING LABELING: Leaflets in cartons entitled "Automatic Electric Heat-N-Vibrate Massage Pillow * * * Combination 3 in 1," "New! King Size Peerless Automatic Electric Heat-N-Vibrate Massage Pillow * * * Combination 4 in 1," "Dual-Salon Vibrator * * * How to use," and "Peerless Lounge-O-Matic Vibrator."

RESULTS OF INVESTIGATION: One type of vibrating pillow (277-device lot) consisted of an upholstered, corduroy-covered cushion containing a vibrating motor. Another type vibrating pillow (13-device lot) consisted of an upholstered, corduroy-covered cushion containing a vibrating motor and a heating element with a control switch. The *Heat-N-Vibrate Massage Pillow* consisted of an upholstered corduroy-covered cushion containing a vibrating motor and a high-low heating element with a control switch. The *Dual-Salon Vibrator* was an upholstered rigid frame box-type cushion containing dual vibrators and push-button controls and the *Lounge-O-Matic Vibrator* was a padded flat-type pad containing 2 controlled vibrators.

LIBELED: On or about 8-12-58, W. Dist. Mo.

CHARGE: 502(a)—when shipped, the labeling of the articles contained false and misleading representations that the articles were adequate and effective treatments for (277-device lot) relieving nervous tension, and muscular strain; (13-device lot) for relieving nervous tension, increasing circulation, reducing weight, removing excess fatty tissues and relieving muscular strain; (8-device lot) for easing nervous tension, increasing blood circulation, reducing weight, and disposing of excess fatty tissues; (10-device lot) reducing weight, for spot reducing and slenderizing the hips, stomach and thighs and for relieving muscular aches and pains susceptible to massage; and (27-device lot) relieving nervous tension, reducing weight, toning up sagging skin and firming the muscles; and 502(f)—the labeling of the article (277-device lot) failed to bear (1) adequate directions for use for the purposes and conditions for which the article was intended; and (2) such adequate warnings against use in those pathological conditions where its use may be dangerous to health, in such manner and form as is necessary for the protection of users.

DISPOSITION: The case was removed to the District of New Jersey for trial. Thereafter, Peerless Broil-Quik Corp., having consented, a decree of condemnation was entered on 9-30-59, and the article was ordered released under bond for relabeling.